

Senate Bill No. 100

CHAPTER 18

An act to amend Sections 15151, 15375, and 15500 of the Elections Code, relating to presidential primaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1999. Filed with
Secretary of State May 4, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 100, Burton. Political parties: primaries: delegate returns.

Existing law provides that all properly registered voters may vote for their choice at any primary election for any candidate for each public office, regardless of political affiliation and without a declaration of political faith or allegiance. Existing law requires elections officials to send to the Secretary of State the election returns for all persons voted for at the presidential primary as delegates to national conventions.

Existing law requires each voter to be furnished an official primary ballot at a primary election. Existing law requires the official primary ballot to contain the names of all candidates for nonpartisan and partisan offices and measures to be voted for at the primary election.

This bill would impose a state-mandated local program by requiring elections officials to report the results at the presidential primary for candidates for President to whom delegates of a political party are pledged according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party. The bill would require the elections official to adopt procedures and tabulate the ballots separately.

Existing law requires the Secretary of State to compile the election returns for various public offices and measures and make those results immediately available to the public.

This bill would expressly require the Secretary of State to compile and make the election returns of the presidential primary reported by the elections officials available to any person or organization upon request.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000

statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 15151 of the Elections Code is amended to read:

15151. (a) The elections official shall transmit the semifinal official results to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:

- (1) All candidates voted for statewide office.
- (2) All candidates voted for the following offices:
 - (A) State Assembly.
 - (B) State Senate.
 - (C) Member of the United States House of Representatives.
 - (D) Member of the State Board of Equalization.
 - (E) Justice of the Court of Appeals.

(3) All persons voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party. The elections official shall adopt procedures required to tabulate the ballots separately by party affiliation.

- (4) Statewide ballot measures.

(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the semifinal official canvass.

SEC. 2. Section 15375 of the Elections Code is amended to read:

15375. The elections official shall send to the Secretary of State within 35 days of the election in the manner requested one complete copy of all results as to all of the following:

- (a) All candidates voted for statewide office.
- (b) All candidates voted for the following offices:
 - (1) Member of the Assembly.



- (2) Member of the Senate.
- (3) Member of the United States House of Representatives.
- (4) Member of the State Board of Equalization.
- (5) Justice of the Courts of Appeal.
- (6) Judge of the Superior Court.
- (7) Judge of the Municipal Court.

(c) All persons voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.

(d) The vote given for persons for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns," and sent so that they are received by the Secretary of State not later than the first Monday in the month following the election.

(e) All statewide measures.

SEC. 3. Section 15500 of the Elections Code is amended to read:

15500. The Secretary of State, commencing with the first results from the semifinal official canvass received from the elections officials, shall compile the results for the offices and measures listed in Section 15151, which compilation shall be continued without adjournment until completed. The Secretary of State shall immediately make public the results of the compilation as to those offices and measures. The Secretary of State also shall compile and make those results reported pursuant to subdivision (c) of Section 15375 available to any person or organization upon request.

SEC. 4. (a) The validity of any provision of this act only may be challenged by the filing with the California Supreme Court of a writ within 30 calendar days after this act is enacted and becomes effective.

(b) The California Supreme Court shall issue its decision on the writ no later than 45 calendar days after it is filed with the court.

(c) The provisions of this act are severable. If any provisions of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provisions or application.

SEC. 5. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however,

that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit elections officials and the Secretary of State to organize the ballot tabulation changes required under this bill for the 2000 presidential primary, it is necessary that this act take effect immediately.

